

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§ 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.03 G, Closed Area No. 16, Royal River and Cousins River, Yarmouth and Freeport; promulgated on August 23, 2004, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.03 G, Closed Area No. 16, Royal River and Cousins River, Yarmouth and Freeport

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from the shores, flats and waters of the Royal River upstream of a line beginning at Browns Point and running southeast across the mouth of the Royal River to an unnamed point located about 300 yards northwest of Parker Point, Yarmouth; AND downstream of a line beginning at the old stone pier on the south side of the Royal River and extending northwest to an unnamed point of land. This area is classified conditionally restricted, based on proper functioning of the Yarmouth Wastewater Treatment Plant, and requires a special MDMR permit.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from the shores, flats and waters of the Royal River upstream of a line beginning at the old stone pier on the south side of the Royal River and extending northwest to an unnamed point of land; AND downstream of a line beginning at a red painted post on the south bank 300 yards northwest of the Yarmouth Wastewater Treatment Plant and extending to a red painted post in the northeast corner of the cove opposite the treatment plant.
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from the shores, flats and waters of the Royal River upstream of a line beginning at a red painted post on the south bank 300 yards northwest of the Yarmouth Wastewater Treatment Plant and extending to a red painted post in the northeast corner of the cove opposite the treatment plant; AND downstream of a line beginning at the Lower Falls Landing Mall, 200 yards south of the Route 295 bridge and extending north to the town launching ramp. This area is classified conditionally restricted, based on the proper functioning of the Yarmouth Wastewater Treatment Plant, only open from November 1 through April 15, and requires a special MDMR permit.
4. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from the shores, flats and waters of the Royal River upstream of a line beginning at the Lower Falls Landing Mall, 200 yards south of the Route 295 bridge and extending north to the town launching ramp.
5. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from the shores, flats and waters of the Cousins River upstream of a line beginning at the end of Even Keel Drive in Yarmouth and running due east across the river to Freeport.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: September 10, 2004

AGENCY CONTACT PERSON:

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PORTLAND PRESS HERALD

September 14, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 G, Closed Area No. 16, Royal River and Cousins River, Yarmouth and Freeport promulgated on August 23, 2004, and replaces it with a new regulation. This new regulation reopens the Cousins River approved area and the restricted areas in the Royal River following the correction of a sewage bypass. Department personnel have sampled the water and clams and they again meet appropriate standards. The remaining closed areas are subject to microbiological pollution, which poses a threat to public health.

In the event the Yarmouth Sewage Treatment Plant is not able to fully treat waste water, shellfish harvest will be prohibited in the Royal River and Cousins River upstream of a line extending from the south tip of Fogg Point, Freeport to the northeast tip of Parker Point, Yarmouth.



DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources



Legal Notice of Shellfish Closure Area

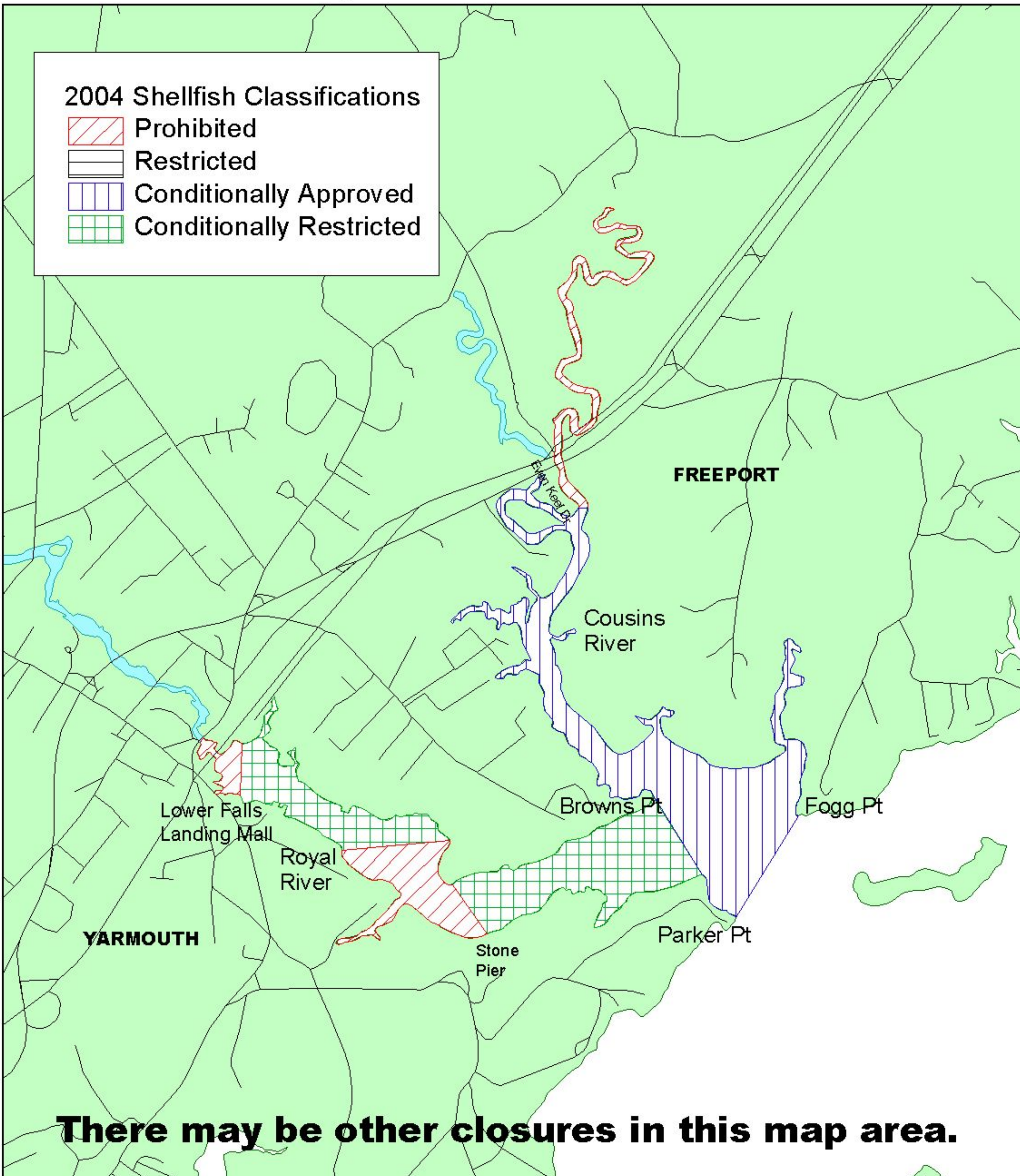
9/10/04



C16 Royal & Cousins River

2004 Shellfish Classifications

-  Prohibited
-  Restricted
-  Conditionally Approved
-  Conditionally Restricted



There may be other closures in this map area.

0.5 0 0.5 1 Miles

